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ABSTRACT

The termination of unsatisfactory school employees is an ubiquitous and often expensive legal problem for school districts. This monograph was designed to help school attorneys and administrators in handling the termination process as fairly and efficiently as possible. The monograph begins with articles on documentation, evaluation, and remediation--three key solutions to the problems of either staying out of court or prevailing when sued. These are followed by articles on investigating complaints and dealing with off-duty conduct and alcohol/drug abuse. The monograph concludes with a review of state law issues that affect termination of school employees. Following the foreword and the introduction, articles include the following: (1) "Documentation of Teacher Performance" (Sally Fuela, Janet Little Horton, and Kimberly James Brooks); (2) "Evaluation" (James B. Crawford); (3) "Remediation" (Richard A. Schwartz); (4) "Investigating Alleged Wrongdoing by Employees in the School Setting" (Richard E. Bung, Sally Fuela, and Jeffrey J. Kuney); (5) "Investigating and Preventing Sexual Misconduct by School Employees" (Andrea L. Rungeford and Nancy J. Rungeford); (6) "Termination of Drug/Alcohol Abusing Employees" (Donald B. Sweeney, Jr.); (7) "Constitutional and Statutory Limitations on Disciplining Public Employees for Speech and Off-Duty Conduct" (B. Craig Wood and Bradford A. King); (8) "Due Process and Disciplinary Actions Against School Employees" (Spencer E. Cowan and Julie A. McCloskey); (9) "Elements of Teacher Misconduct" (Peter L. J. Pashley); (10) "Statutory Dismissal of School Employees" (David M. Peterson); (11) "Arbitration of Teacher Dismissal Cases" (Benjamin J. Ferrara and Henry F. Schutz); (12) "Settlement Agreements" (Richard A. Schwartz); (13) "Defamation and Stigma Claims by Terminated Employees" (Jay Worona and Cheryl Randall); (14) "Termination of Employees At-Will" (James C. Hanks); (15) "Collective Bargaining and Teacher Discipline" (Spencer E. Cowan and Julie A. McCloskey); and (16) "Tenure Reform: Has Anything Really Changed?" (Lauren D. Kingsbury, Colorado; Scott S. Celone and Marcia Morales Howard, Florida; Naomi Stromberg, Massachusetts; James T. Nantsch and Kevin Barry, Michigan; and Benjamin J. Ferrara and Perry

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0. Guide, New York). Appendices contain sample memoranda, action plans, and letters. (CAS)

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